IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 19862 OF 2005

Date: 13.09.2005

BETWEEN:

1. V. Yesobu, and another

…. PETITIONERS

Vs.

1. The District Collector, Krishna District at Machilipatnam and others.

…. RESPONDENTS

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No. 19862 OF 2005

ORDER:

The petitioners are aggrieved by the endorsement, dated 18.8.2005 issued by the second respondent, which reads as under.

> "Sri Pamarthi Reddaiah, S/o. Tirupathaiah, Kotapdu Village of Chatrai Mandal filed a Writ Petition stating that Section 10 of the Act prohibits digging of wells with in a distance of 250 metres, but the 3rd respondent Sri Vangeti Yesobu S/o.Sundaram of Kotapadu village dug bore well with in a distance of 50 yards from the bore well of the Petitioner without applying for prior permission of the 2nd respondent i.e., Mandal Revenue Officer, Chatrai. The High Court directed the 1st and 2nd respondents to conduct enquiry and pass orders.
>
> It is fact that Sri Vangeti Yesobu S/o. Sundaram of Kotapadu village of Chatrai Mandal dug a bore unauthorisedly in an extent of Acs.0.54 cents at Kotapadu village, and utilizing the electricity of his neighbour through a wire unauthorisedly without applying for prior permission from the Mandal

> Revenue Officer, Zeologist, Electricity Department, and violated the rules under WALT Act.
>
> Sri V. Yesobu is hereby informed not to draw the water from the bore under reference and not utilize the electricity from his neighbour unauthorisedly in future."

The third respondent filed S.P.No.15859 of 2005 seeking, *inter alia* a direction to the District Collector and Mandal Revenue Officer (MRO) – respondents 1 and 2 herein; to seize the bore well dug by the first petitioner. This court disposed of the writ petition on 21.7.2005 directing the MRO to consider the matter after giving opportunity to the petitioner and the third respondent herein. Be that as it is, in this writ petition it is contended that the impugned order/endorsement is passed by the MRO without giving any notice and without conducting enquiry. In view of the same, the learned Government Pleader was directed to get instructions in the matter.

The learned Assistant Government Pleader after getting instructions submits that the MRO issued notice to the petitioner and third respondent on 11.8.2005, and after considering the objections issued the impugned endorsement directing the first petitioner not to draw water from his bore well. The learned AGP has also placed before this court a notice dated 11.8.2005 issued by the MRO. Insofar as the second petitioner is concerned no order is passed by the MRO and therefore, he cannot be said to have any grievance.

The Writ Petition is filed without any proper factual background and by making unsound averments in the affidavit. The Writ Petition is therefore dismissed at the admission stage.

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(**V.V.S. RAO, J.)**

13th September, 2005

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